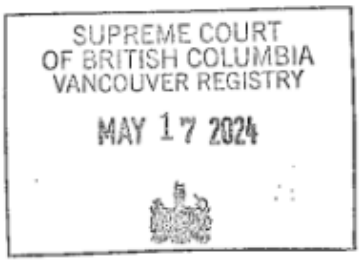
CANUCK LAW
Reporting That You're Not Getting Elsewhere (Do Your Own Research To Verify)

JUNE 1, 2024 BY RONNIE

B.C. Bill 21: Legal Professions Act, Gets Royal Assent, And Law Society Sues Over It

LEGISLATIVE ASSEMBLY
WELCOME | FIND MY MLA | VISIT US | PARLIAMENTARY CALENDAR | WEBCASTS | WORKING HERE | CONTACT US
LEARN ABOUT US | PARLIAMENTARY BUSINESS | DOCUMENTS & DATA
BILL 21 – 2024: LEGAL PROFESSIONS ACT
Search
Advanced Search


SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY
MAY 17 2024

NO. S-243258
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

PLAINTIFF

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA and the ATTORNEY GENERAL OF BRITISH COLUMBIA

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff for the relief set out in Part 2 below.

The Province of British Columbia recently passed Bill 12, the Legal Professions Act. In short, it would take away the ability of the Law Society of B.C., or the LSBC, to self-regulate, and put it under Government control.

Many professions in Canada are “self regulated”. These include: teachers, doctors, nurses, engineers, social workers, to name a few. They typically report to some sort of college, which oversees their licencing and professional development. Bill 12 would reverse this, at least for B.C. lawyers.

The LSBC responded by suing the Government in Supreme Court. And this was fast. The Bill received Royal Assent on May 16th, 2024, and the Notice of Civil Claim was filed the following day.

In short, the LSBC argues that its independence will be damaged, and the public harmed, if lawyers are not allowed to regulate themselves. Furthermore, if Government has the power to issue and revoke licences, it will result it an unwillingness to bring lawsuits for deserving clients.

The LSBC also complains that they never had any meaningful consultation before Bill 12 was brought. However, they had known for more than 2 years that this was going to happen at some point.

In addition to losing their independence, it's argued that Bill 12 will have an impact on the health and well being of lawyers. Brook Greenberg authored a piece critical of Bill 12, and it's quite the attention grabber. Below are sections from it.

> However, the most visceral objection I have to Bill 21 is the government's decision to include stigmatizing and discriminatory provisions to ***compel legal professionals to undergo forced medical treatment***.

> Within the 317 sections of this poorly thought-out and badly drafted bill, are harmful provisions about "health," including in the definition of what it means for a legal professional to behave "incompetently."

> Section 68 initially defines "incompetently" with a focus on conduct that fails to meet standards. However, it goes on to ***define competence with specific reference to "health conditions."***

> In doing so, Bill 21 makes unwarranted assumptions and creates ***false and stigmatizing connections between lawyers experiencing health conditions and their competency***. We know from the national study on the psychological health of Canadian legal professionals that ***up to 50 per cent of legal professionals in Canada experience moderate-to-severe mental-health and substance use issues***, at times.

> That means ***roughly 7,000 lawyers in B.C. have had such experiences***. However, only single-digit numbers of lawyers have their competency called into question in a given year.

> Making and emphasizing a connection between competency and health conditions, as the government has done, is unwarranted and ***will inflict great harm both on individuals, and systemically***.

It's a bizarre argument to make: lawyers should be allowed to control their own profession. Otherwise health issues that can legitimately impact their ability to practice will lead to them

not being able to.

> *We know from the national study on the psychological health of Canadian legal professionals that up to 50 per cent of legal professionals in Canada experience moderate-to-severe mental-health and substance use issues*

From this, are we to determine that a significant minority — almost half — of B.C. lawyers have substance abuse and mental health issues? Should we really be letting the alcoholics, drug addicts and mentally ill be regulating themselves? If anything, Greenberg's article makes a strong argument *in favour* of not letting lawyers police themselves.

We'll have to see what becomes of this.

Other recent B.C. specific legislation includes:

- Bill 12, the Online Harms Act
- Bill 23, the (Anti-White) Anti-Racism Act
- Bill 31, domestic implementation of U.N. Sendai Framework

(1) https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/5th-session/bills/progress-of-bills
(2) https://www.lawsociety.bc.ca/news-and-publications/news/law-society-of-bc-announces-legal-action-to-challenge-legal-professions-act/
(3) https://www.lawsociety.bc.ca/news-and-publications/news/updates-and-timeline-single-legal-regulator-legislation/
(4) https://www.lawsociety.bc.ca/news-and-publications/news/law-society-of-bc-announces-legal-action-to-challenge-legal-professions-act/
(5) https://www.timescolonist.com/opinion/comment-bc-embeds-mental-health-stigma-and-discrimination-in-legal-regulation-8719567#google_vignette
(6) LSBC v HMTK and AG Notice of Civil Claim

CANADA, CANADIAN BILLS, PROCEDURAL

2 Replies to “B.C. Bill 21: Legal Professions Act, Gets Royal Assent, And Law Society Sues Over It”

Grace Joubarne

JUNE 2, 2024 AT 9:09 AM

“… up to 50 per cent of legal professionals in Canada experience moderate-to-severe mental-health and substance use issues”.

Heck, that explains everything! It’s not corruption, it’s mental health issues and substance abuse.

Next question is: “which came first, the habit of being corrupt, or the substance abuse habit?” (Just asking for a lot of friends who were victims.)

Dane

JUNE 2, 2024 AT 9:48 AM

Up to 50%? Maybe lawyers should require breathalizers before being retained?